

ASBCE NEWSLETTER

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BOARD MEMBERS

Robert L. Shackelford, DC, President

Mark Ungerank, D.C., Secretary

Harold Gunter, Treasurer

Mark S. Bradley, D.C., Investigation Officer

Beverly Foster, D.C., Examination Officer

Michael D. Courtney, D.C., Member

Margaret Thompson, Public Member

PROFESSIONAL STAFF

Carol Ann Gates, Executive Director

Sandy Kita, Administrative Assistant

LEGAL COUNSEL

Alice Lightle, Assistant Attorney General



A MESSAGE FROM THE BOARD PRESIDENT

DR. ROBERT L. SHACKELFORD, President

As I sat through the new doctor orientation as part of our last license examination, I was excited by the eagerness and desire of this group of new doctors. It was humbling to be directing this orientation as President of the Board of Examiners. It doesn't seem that long ago when I sat for the exam and Dr. Calhoun was overseeing my groups' orientation.

Much has changed in the past twenty years in our world and in our profession. In 1982 Arkansas had one of the best scope of practice laws as well as one of the best insurance equality laws in the nation. We still have an outstanding scope of practice. But we now face the multi-headed monster of HMO's, decreased insurance coverage and slow economy. Still in the face of adversity, chiropractic is growing and expanding. What we must do as chiropractic physicians is hold true to the ethical, moral, and legal rules that we have agreed to obey. In a world that measures success simply by net income we must not allow ourselves to break or even bend these laws and statutes that are designed to protect the patient and the doctor.

We serve the greatest healing profession in the world and I am honored to serve the chiropractic profession and the general public as President of this Board. We have an outstanding Board of Examiners, which has shown itself to be fair, compassionate and just. I look forward to serving with each of them in the next year.

Robert L. Shackerford, D.C., *President*

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ELECTION OF OFFICERS

Pursuant to the provisions of Section §17-81-204(b) in July of each year officers for the Board of Examiners are elected. Dr. Robert Shackelford was elected as the new President. Dr. Mark Ungerank was elected Secretary, Mr. Hal Gunter, Treasurer, Dr. Mark Bradley was reappointed as the Investigation Officer and Dr. Beverly Foster, Examination Officer. Congratulations to each board member.

BOARD APPOINTMENTS TO THE AR BOARD OF CHIROPRACTIC

Governor Huckabee has appointed Dr. Mark Ungerank as a new member of the ASBCE for the term, which commenced on June 9, 2003 and expires on June 9, 2008. Dr. Ungerank replaces Dr. Larry Grinder. Congratulations to Dr. Ungerank. We would like to thank Dr. Grinder for his contribution to chiropractic and the Board is grateful for his cooperation and support for the highest standards in the chiropractic profession.

FCLB 77TH ANNUAL CONFERENCE

On May 1, 2003 the Federation of Chiropractic Licensing Boards 77th Annual Conference was held in Orlando, Florida. Dr. Beverly Foster represented the Board as an attendee. The educational conference focused on "A World View of Ethics in Chiropractic Regulation." Dr. Foster has been appointed to serve on the committee for "Law & Legal Issues."

Dr. Foster recently participated on a six-person test committee, National Board Part III held in Greeley, CO for three days.



WELCOME

Alice Lightle, Assistant Attorney General has been appointed to represent the Board of Examiners regarding legal issue. We welcome Ms. Lightle!

DO YOU HAVE THE SPIRIT OF COMPETITION?

To a certain extent, competition is healthy and productive because it can cause doctors to excel beyond their normal capacity when challenged by each other. One of the best ways to avoid self-serving competition is to find ways to help each other without being afraid of losing a patient to a colleague. Every time another doctor advertises with good taste, it helps other doctors to grow. Every time another chiropractor succeeds in the community, chiropractic wins. Work to educate your patients on the opportunities for whole-body health, and chiropractic will benefit as well as your patients.

WHAT'S THE DIFFERENCE?

Consumers and others in the regulatory system frequently cannot differentiate a licensing board from a professional association.

The associations are set up for the profession and to promote public understanding of the principles & benefits of chiropractic. The regulatory board is set up to protect the public, as well as exercise its authority and responsibility and conduct affairs governing the profession. The only good and workable system is not only fair to practitioners and consumers, but is also perceived by all involved to be fair and open.

The State Board and Associations need to be consumer-friendly, by establishing some of the following examples:

- Train the staff to deal with difficult, stressful situations and thereby more effectively meet consumer needs.
- Establish an "800" number with live operators. Rather than spend valuable time and resources calling back.
- Develop Websites to include information contained in publications. Maintain and improve mechanisms that permit the free flow of information on an ongoing basis.

We need to be equipped with the tools necessary to make information easily and quickly to help the practitioner and the consumer.

WHAT CAN HAPPEN IF YOU LET YOUR LICENSE LAPSE?

Any licensee who allows his or her license to lapse by failing to renew the license may apply to the board for a reinstatement of his or her license and must submit to the board a reinstatement fee of twenty-five dollars (\$25.00) together with all back fees, plus continuing education hours. The delinquent licensee must obtain verification from all states in which he or she has practiced indicating whether or not disciplinary action has been taken against the licensee during that period. If the licensee's license has been inactive for a period of five (5) years, as a condition of reactivation, the board may require the licensee to enroll in and pass a refresher course approved by the board at an accredited chiropractic college or to pass a competency exam given by the board.

CALENDAR OF EVENTS

SPECIAL EVENT: ASBCE BUSINESS MEETING

DATE SEPTEMBER 18, 2003

PLACE BOARD CONFERENCE ROOM, SUITE 208

TIME 10:00 A.M.

SPECIAL EVENT: CREDENTIALS MEETING

DATE DECEMBER 9, 2003

PLACE BOARD CONFERENCE ROOM, SUITE 208

TIME 10:00 A.M.

SPECIAL EVENT: ASBCE BUSINESS MEETING, EXAMINATION, ORIENTATION

DATE JANUARY 22, 2004

PLACE 101 EAST CAPITOL, LR, CONFERENCE ROOM C

TIME 8:00 A.M.

SPECIAL EVENT: ASBCE BUSINESS MEETING

DATE APRIL 13, 2004

PLACE BOARD CONFERENCE ROOM, SUITE 208

TIME 10:00 A.M.

Special Event: CREDENTIALS MEETING

DATE June 8, 2004

PLACE BOARD CONFERENCE ROOM, SUITE 208

TIME 10:00 A.M.

SPECIAL EVENT: ASBCE BUSINESS MEETING, EXAMINATION, ORIENTATION

DATE July 22, 2004

PLACE 101 EAST CAPITOL, LR, CONFERENCE ROOM C

TIME 8:00 A.M.

THE FOLLOWING CANDIDATES PASSED THE JULY 24, 2003 EXAMINATION

SHAWN BEASLEY, DC

KEITH CURRIE, DC

MELISSA PRICE, DC

IN LIEU OF THE PRACTICAL EXAMINATION THE FOLLOWING PRESENTED A NATIONAL BOARD TRANSCRIPT PART IV.

LEE MICHELE BARKER, DC

STEPHANIE CLAY, DC

J. MICHAEL DICKERSON, DC

MONTE J. PENROD, DC

HANNELIE VAN DER MERWE, DC

TARSHA L. SMITH, DC

TIMOTHY V. STEPHENS, DC

A. SCOTT THROPE, DC

CONGRATULATIONS TO ALL THE NEW LICENSEE & WELCOME TO ARKANSAS.

STATISTICS OF ARKANSAS LICENSEES

LICENSEES:	431	Active
	33	Inactive
	102	Out-State

127 Acupuncture Certifications

PURPOSE OF CREDENTIALING EXAMINATIONS

Credentialing examinations are designed to test a sample of candidates' knowledge with a goal of determining whether they are minimally competent to practice. They are designed to result in a reliable decision based on total score.

An examination used in credentialing plays a major role in the protection of the public from incompetent practitioners. The examination should consistently pass candidates who can demonstrate that they have the knowledge; skills and/or abilities needed to perform the job competently, and should consistently fail candidates who cannot demonstrate such knowledge, skills and/or abilities.

All credentialing examinations need to be valid, reliable, and fair. It is the responsibility of the Board to ensure that the examination meets acceptable standards.

BREAKDOWN OF COMPLAINTS/INVESTIGATIONS

Case 199-10-14-02: Case was turned over to the AR State Police. Status: based upon the complainants interview there was no basis to precede with the investigation.

Case 200-10-28-02: Complainant asked the Board not to pursue with an investigation until the outcome of her civil trial.

Case 205-01-31-03: Insufficient evidence to proceed with an investigation.

Case 206-01-31-03: No violation

Case 207-02-21-03: Resolved between doctor and patient.

Case 208-03-10-03: Letter mailed to doctor. Case closed

Case 209-05-06-03: Under Investigation

Case 210-05-24-03: Case did not fall under the jurisdiction of the Board.

HEARING ON REMAND

ON FEBRUARY 20, 2003 THE BOARD OF EXAMINERS CONVENED IN LITTLE ROCK, ARKANSAS FOR THE PURPOSE OF CONDUCTING A HEARING AS DIRECTED BY THE ARKANSAS CIRCUIT COURT IN THE MATTER OF, LYNN BUHR, DC. THE REMAND WAS ORDERED TO CLARIFY THE FINDINGS OF FACT PORTION OF THE BOARD'S ORIGINAL ORDER.

AUTHORITY TO REGULATE

THE RIGHT TO PRACTICE A RECOGNIZED PROFESSION IS NOT AN ABSOLUTE OR UNQUALIFIED RIGHT. IT IS ONE THAT IS CERTAINLY SUBJECT TO THE POLICE POWER OF THE STATE. THE STATE'S INTEREST, OF COURSE, IS THE PROTECTION OF THE PUBLIC; CONSEQUENTLY, THE STATE CONTROLS THE VARIOUS ASPECTS OF PFOFESSIONAL PRACTICE. THIS INCLUDES, ADMISSION TO PRACTICE, STANDARDS OF PRACTICE, CONTINUING COMPETENCY, REMOVAL FROM PRACTICE, AND READMISSION TO PRACTICE. IN PRACTICAL TERMS, THE "STATE" MEANS THE ADMINISTRATIVE AGENCY OR BOARD TO WHICH THE AUTHORITY TO LICENSE HAS BEEN DELEGATED.

ACUPUNCTURE ELECTRIC STIMULATION

Can Chiropractic Aides perform this treatment?

"Based on the Board of Examiners discussion it is their professional opinion that Acupuncture Electric Stimulation **must be** performed by a licensed practitioner."



BOARD POLICY DECISION

Ms. Ann Gates should release to the press those licensees disciplined in Adjudicatory Hearings only.

ASBCE

BOARD NEWS

The ASBCE has acquired additional office space. The new space will be used as a conference room for board meetings and other functions. A common area adjoins the boardroom. Doctors please feel free to come by and see the new space.

CHIROPRACTIC PHYSICIANS IN ARKANSAS

The Arkansas State Board of Chiropractic Examiners has active chiropractic physicians licensed about two per 10,000 population. Of the 75 counties in Arkansas, 16 counties (21%) had no registered chiropractic physician and 10 other counties (13%) had only one.

<u>METROPOLITAN AREA</u>	<u>COUNTY</u>	<u>NUMBER</u>
Little Rock	Pulaski	62
Rogers/Bentonville	Benton	51
Fayetteville/Springdale	Washington	42
Fort Smith	Sebastian	26
Hot Springs	Garland	20
Jonesboro	Craighead	19
Pine Bluff	Jefferson	11

The gender distribution of licensed chiropractors is heavily skewed to the males. The females number (17%) while the males number (83%).

PUBLIC HEARING CONDUCTED
September 19, 2002

The purpose of the properly advertised public hearing was relative to addition to the Rules and Regulations, Part Two A. Application for State Board Examinations and Licensure. 5. Transfer of License. E. Professional Practices 1. Temporary License. (a).

The following rules were voted on and approved for addition to the rules.

5. Transfer of License. A Doctor of Chiropractic who has continuously held an active license in good standing in another state or jurisdiction for a period of five (5) years may apply for transfer of license and licensure in Arkansas at the Board's option on an individual basis and by majority vote, provide, the Doctor:

- (a) Submits an application to the Board;
- (b) has passed either (1) the national Board, Part IV Examination,
(2) the Practical Examination of the Arkansas State Board of Chiropractic Examiners
(3) the National Board SPEC Examination;
- (c) has passed the Board's Arkansas Jurisprudence Examination
- (d) has passed the Board's New Doctor Orientation Session, or agrees to attend the session and does in fact attend the session; and
- (e) complies with all other requirements for maintaining a license in Arkansas and no other reason exists that would warrant a suspension or revocation of licensure, including CIN-BAD review.

E. PROFESSIONAL PRACTICE

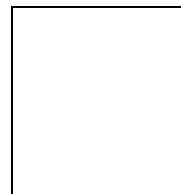
1. Temporary License.

(a) Temporary Licensee Requirements and Privileges

- (1) Credentials shall include a completed approved application, including all necessary validated documents, a final chiropractic college diploma from chiropractic school or college holding status with the council on chiropractic education or similar standards as provided in section 2(a), Article A herein and such other information as the board deems necessary. Application must complete a jurisprudence examination before approval for a temporary license will be granted.

THESE RULES WERE REVIEWED BY THE LEGISLATIVE COUNCIL ON OCTOBER 1, 2002 AND ADOPTED BY THE AGENCY ON OCTOBER 10, 2002.

ARKANSAS STATE BOARD OF
CHIROPRACTIC EXAMINERS
101 East Capitol, Suite 209
Little Rock, AR 72201



ADDRESS CORRECTION REQUESTED